{deleted text} shows text that was in HB0317 but was deleted in HB0317S02.

inserted text shows text that was not in HB0317 but was inserted into HB0317S02.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

FELONY Representative V. Lowry Snow proposes the following substitute bill:

OFFENSES AGAINST THE PERSON AMENDMENTS

2016 GENERAL SESSION STATE OF UTAH

Chief Sponsor: V. Lowry Snow

Senate Sponsor:

LONG TITLE

General Description:

This bill modifies the Utah Criminal Code regarding {aggravated assault and child abuse} offenses against the person.

Highlighted Provisions:

This bill:

- ► {amends} <u>creates</u> the {crime of aggravated assault to include the act of impeding the breathing or circulation of blood of another person;
- provides that the commission of aggravated assault is a second degree felony if, in addition to current provisions:
 - the action results in a loss of consciousness; or
- the actor uses an implement to impede the breathing or circulation of blood of another person; and

- modifies the crime of child abuse regarding the act of impeding the breathing or
 circulation of blood by applying pressure to the neck or throat, or by obstructing the
 nose, mouth, or airway) offense of criminal obstruction of breathing or blood
 circulation as a class A misdemeanor; and
 - <u>creates the offense of strangulation as a third degree felony.</u>

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

{AMENDS:

76-5-103, as last amended by Laws of Utah 2015, Chapter 430

76-5-109, as last amended by Laws of Utah 2015, Chapter 258} ENACTS:

76-5-114, Utah Code Annotated 1953

76-5-115, Utah Code Annotated 1953

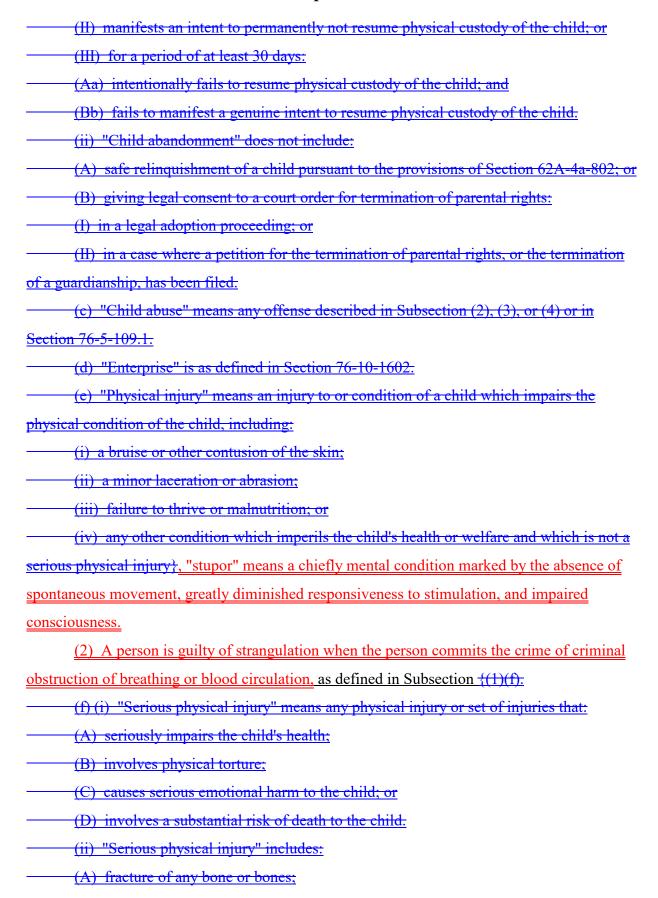
Be it enacted by the Legislature of the state of Utah:

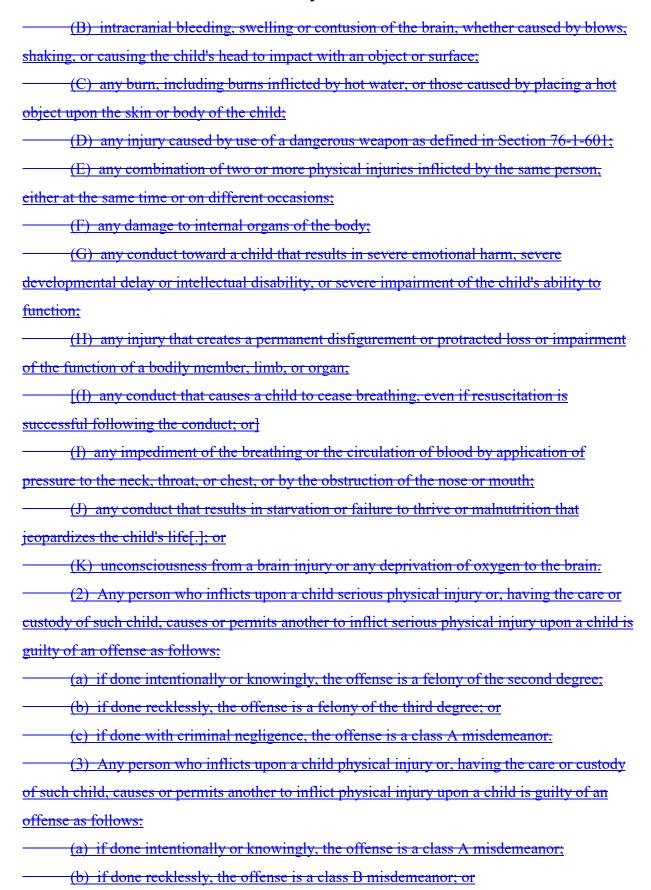
Section 1. Section $\frac{76-5-103}{76-5-114}$ is $\frac{\text{amended}}{\text{enacted}}$ to read:

{76-5-103. Aggravated assault -- Penalties.

- (1) Aggravated assault is an actor's conduct:
- (a) that is:
 - (i) an attempt, with unlawful force or violence, to do bodily injury to another;
- (ii) a threat, accompanied by a show of immediate force or violence, to do bodily injury to another; or
- (iii) an act, committed}76-5-114. Criminal obstruction of breathing or blood circulation -- Penalty.
- (1) A person is guilty of criminal obstruction of breathing or blood circulation when, with intent to impede the normal breathing or circulation of the blood of another person and with unlawful force or violence, {that causes bodily injury to another or creates a substantial risk of bodily injury to another; and
 - (b) that includes the use of:

	(i) a dangerous weapon as defined in Section 76-1-601; [or]
	(ii) any act which impedes the breathing or the circulation of blood of another person
by:	
	(A) applying}the person:
	(a) applies pressure to the neck or throat of {a} another person; or
	(\{\text{B}\begin{square}{0.5cm}\begin{square}{0.5cm} \text{the nose, mouth} \{\text{,}\} \text{ or airway of } \{\text{a person; or } \\ \text{or } \\ \tex
	[(ii)] (iii) other means or force likely to produce death or serious bodily injury.
	[(2) (a) A violation of Subsection (1) is a third degree felony, except under Subsection
(2)(b)	d
	[(b) A violation of Subsection (1) that results in serious bodily injury is a second
degree	e felony.]
	(2) Any act under this section is punishable as a third degree felony, except that the
follow	ving actions are punishable as a second degree felony:
	(a) any act under this section that:
-	(i) includes the use of a weapon; or
	(ii) results in serious bodily injury; or
-	(b) any act under Subsection (1)(b)(ii) in which:
-	(i) there is a loss of consciousness; or
	(ii) an implement is used in any manner to impede the breathing or circulation of blood
of and	other person} another person.
	(2) Criminal obstruction of breathing or blood circulation is a class A misdemeanor.
	Section 2. Section $\frac{76-5-109}{76-5-115}$ is $\frac{\text{amended}}{\text{enacted}}$ to read:
	<u>{76-5-109}</u> 76-5-115. <u>{ Child abuse}</u> <u>Strangulation</u> {Child
aband	lonment} <u>Penalty</u>.
	(1) As used in this section {:
	(a) "Child" means a human being who is under 18 years of age.
	(b) (i) "Child abandonment" means that a parent or legal guardian of a child:
	(A) intentionally ceases to maintain physical custody of the child;
	(B) intentionally fails to make reasonable arrangements for the safety, care, and
physic	cal custody of the child; and
	(C) (I) intentionally fails to provide the child with food, shelter, or clothing;





(c) if done with criminal negligence, the offense is a class C misdemeanor. (4) A person who commits child abandonment, or encourages or causes another to commit child abandonment, or an enterprise that encourages, commands, or causes another to commit child abandonment, is: (a) except as provided in Subsection (4)(b), guilty of a felony of the third degree; or (b) guilty of a felony of the second degree, if, as a result of the child abandonment: (i) the child suffers a serious physical injury; or (ii) the person or enterprise receives, directly or indirectly, any benefit. (5) (a) In addition to the penalty described in Subsection (4)(b), the court may order the person or enterprise described in Subsection (4)(b)(ii) to pay the costs of investigating and prosecuting the offense and the costs of securing any forfeiture provided for under Subsection (5)(b). (b) Any tangible or pecuniary benefit received under Subsection (4)(b)(ii) is subject to criminal or civil forfeiture pursuant to Title 24, Forfeiture and Disposition of Property Act. (6) A parent or legal guardian who provides a child with treatment by spiritual means alone through prayer, in lieu of medical treatment, in accordance with the tenets and practices of an established church or religious denomination of which the parent or legal guardian is a member or adherent shall not, for that reason alone, be considered to have committed an offense under this section. (7) A parent or guardian of a child does not violate this section by selecting a treatment option for the medical condition of the child, if the treatment option is one that a reasonable parent or guardian would believe to be in the best interest of the child. (8) A person is not guilty of an offense under this section for conduct that constitutes: (a) reasonable discipline or management of a child, including withholding privileges; (b) conduct described in Section 76-2-401; or (c) the use of reasonable and necessary physical restraint or force on a child: (i) in self-defense; (ii) in defense of others; (iii) to protect the child; or (iv) to remove a weapon in the possession of a child for any of the reasons described in Subsections (8)(c)(i) through (iii).

Legislative Review Note

Office of Legislative Research and General Counsel 76-5-114(1), and causes:

- (a) stupor; or
- (b) loss of consciousness for any period of time.
- (3) Strangulation is a third degree felony.